

**ORIGINAL**

JC06 Rec'd PCT/PTO 07 OCT 2005

Attorney Docket No. Le A 36 080

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

National Stage in the U.S. of

International Application No.: PCT/EP03/06662

International Filing Date: 06/25/2003

U.S. Application No.: 10/519,134

First Named Inventor: Martin Hendrix

Title: Heterocyclically Substituted Imidazotriazines

**RECEIVED**

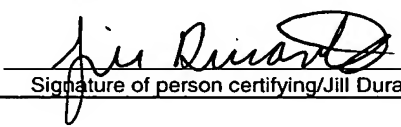
10 JAN 2005

Legal Staff  
International Division

**CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to Mail Stop PCT Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 5, 2005

  
Signature of person certifying/Jill Durante

**Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 07/05/2005. A copy of Form PCT/DO/EO/905 is enclosed.

**DECLARATION OR OATH**

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

**COMPLETION FEES**

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e)) \$130.00.

ORIGINAL

10/519134

#### NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURE

Form PCT/DO/EO/905 indicates that this application fails to comply with the requirements of 37 C.F.R. 1.821-1.825 because a copy of the sequence listing in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

Applicants wish to clarify for the record that the specification of this application does not contain nucleotide and/or amino acid sequences. Accordingly, withdrawal of the notice to comply with the sequence rules is respectfully requested.

#### HEIR OF DECEASED INVENTOR ULRICH NIEWÖHNER

In regard to deceased inventor Ulrich Niewöhner, applicants have provided a copy of a Certificate of Inheritance, provided by the Local Court of Wermelskirchen, stating that Maria Theresia Niewöhner is the sole heir of Ulrich Niewöhner. An English translation has also been provided as well as a declaration from the technical translator.

#### EXTENSION OF TIME

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(1), for 1 month.

Fee \$ 120.00

If an additional extension of time is required, please consider this a petition therefor.

#### TOTAL FEE DUE

The total fee due is:

Completion fees	\$130.00
Extension fee (if any)	<u>\$120.00</u>
Total Fee Due	\$250.00

#### METHOD OF PAYMENT

The Commissioner is hereby authorized to charge Deposit Account No. **13-3372** in the amount of **\$250.00** for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

10/12/2005 LLANDERA 00000041 10519134

01 FC:1617 130.00 DA

10/12/2005 LLANDERA 00000041 10519134

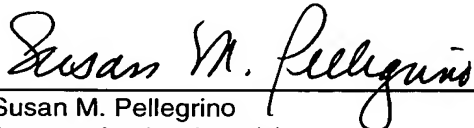
02 FC:1251 120.00 DA

Date: October 5, 2005

Registration No. 48,972

Phone: (203) 812-6450

Respectfully submitted,

  
Susan M. Pellegrino  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175

**Amtsgericht**  
5 VI 0139/02

**beglaubigte  
Abschrift**

Wermelskirchen, 15.01.2003

**EINGANG**  
Patentstelle Aprath  
07. FEB. 2003



30. Jan. 2003

## Erbschein

Der am 22. 10.1949 in Gelsenkirchen geborene, zuletzt in Wermelskirchen wohnhaft  
gewesene

**Dr. Ulrich Christoph Niewöhner**

ist am 28.09.2002 in Essen gestorben und beerbt worden von:

Maria Theresia Niewöhner geborene Grzenia, \* 26.12.1949, Gartenstraße 3, 42929  
Wermelskirchen.

-alleine-

Schlotmann-Thiessen

Richterin am Amtsgericht

Beglaubigt

(Unterstell)

Justizamtsinspektor



Ich beglaube die Übereinstimmung der vorstehenden  
Abschrift mit der Urschrift.

Leverkusen, den 08. Oktober 2003



*Dirk Heiderhoff*  
Notar

**Local court**  
5 VI 0139/02

**Certified**  
**copy**

Wermelskirchen, 15.1.2003

**RECEIVED**  
at the Aprath Patent Centre  
on 7th February, 2003

Coat of  
arms

### **Certificate of Inheritance**

**Dr. Ulrich Christoph Niewöhner,**

who was born in Gelsenkirchen on 22.10.1949 and was last resident in Wermelskirchen,  
died in Essen on 28.9.2002 and left - as his sole heir -

Maria Theresia Neiwöhner, née Grzenia, \*26.12.1949, Gartenstraße 3, 42929  
Wermelskirchen.

Schlotmann-Thiessen

Judge at the local court

Certified

(signature)

(Unterstell)

Court inspector

Stamp of the

local court in

Wermelskirchen

I certify that the foregoing copy corresponds to the original.

Leverkusen, 8th October, 2003

Stamp of  
Dirk Heiderhoff,  
Notary public in  
Leverkusen

(Signature)  
Notary public

## Declaration

I, Doreen Steventon B.A., technical translator, declare that the attached document is, to the best of my knowledge and belief, a true translation into the English language of the certificate of inheritance of Dr. Ulrich Christoph Niewöhner.

Signed, this 21st day of October, 2003,

Doreen Steventon  
(Doreen Steventon)



COPY

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

CAROL A. BRUNN

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/519,134	Martin Hendrix	Lc A 36 080

INTERNATIONAL APPLICATION NO.
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PCT/EP03/06662

I.A. FILING DATE	PRIORITY DATE
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06/25/2003

07/08/2002

35969

JEFFREY M. GREENMAN  
 BAYER PHARMACEUTICALS CORPORATION  
 400 MORGAN LANE  
 WEST HAVEN, CT 06516

CONFIRMATION NO. 7514

371 FORMALITIES LETTER



\*OC000000016433030\*

Date Mailed: 07/05/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/22/2004
- English Translation of the IA filed on 12/22/2004
- Copy of the International Search Report filed on 12/22/2004
- Copy of IPE Report filed on 12/22/2004
- Preliminary Amendments filed on 12/22/2004
- Information Disclosure Statements filed on 12/22/2004
- Oath or Declaration filed on 12/22/2004
- Request for Immediate Examination filed on 12/22/2004
- U.S. Basic National Fees filed on 12/22/2004
- Priority Documents filed on 12/22/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - inventor #8 Ulrich Niewohner deceased
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:





Total additional fees required for this application is **\$130** for a Large Entity:

• **\$130 Late oath or declaration Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

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Telephone: (703) 308-9140 EXT 225



**COPY**

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,134	PCT/EP03/06662	Le A 36 080

FORM PCT/DO/EO/905 (371 Formalities Notice)